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on May 12, 2004 (Date of Transmission)

Craig S. Fischer

By

Signature

PATENT
Microsoft Matter No.: 136623.1
Attorney Docket No.: MCS-023-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: TOYAMA

Serial No.: 09/404,940

Group Art Unit: 2121

Filed: September 23, 1999

Examiner: K. E. Booker

For: **COMPUTERIZED AESTHETIC JUDGMENT OF IMAGES**

AMENDMENT UNDER 37 C.F.R. §1.116

Mail Stop: AF
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
TC2100
Facsimile No. (After Final): (703) 872-9306

Sir:

In response to the final Office Action dated March 17, 2004 (Paper No. 21), the Applicant respectfully requests that this amendment be entered under 37 C.F.R. 1.116 to place the above-referenced application in condition for allowance or, alternatively, in better condition for consideration on appeal.

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THE LAW OFFICES OF
LYON & HARR
A LIMITED LIABILITY PARTNERSHIP

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INTELLECTUAL PROPERTY LAW INCLUDING PATENTS,
TRADEMARKS, COPYRIGHTS AND RELATED MATTERS

TELEPHONE: (805) 278-8855
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Facsimile Cover Sheet

To: Hon. Commissioner for Patents, TC2100
ATTN: Examiner K.E. BOOKER

From: Craig S. Fischer

Fax: (703) 872-9306

Pages: 15 (Inclusive)

Re: Serial No.: 09/404,940
Filed: September 23, 1999
Attorney Docket No: MCS-023-01

Date: May 12, 2004

☐ Urgent ☒ For Review ☐ Please Comment ☒ Please Reply

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

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on May 12, 2004

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Craig S. Fischer

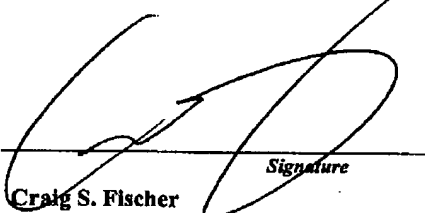
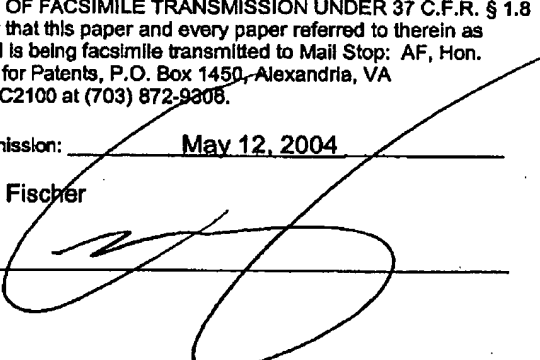
Typed or printed name of person signing Certificate

This correspondence includes the following attached papers:

1. Facsimile Cover Sheet including Certificate of Transmission under 37 C.F.R. § 1.8 (1 page);
2. Amendment Transmittal Letter (1 page);
3. Response under 37 C.F.R. § 1.1116 (12 pages);
4. Applicant-Initiated Interview Request Form (1 page).

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TRANSMITTAL LETTER (Large Entity)				Docket No. MCS-023-01	
Applicant(s): TOYAMA					
Serial No. 09/404,940	Filing Date 09/23/1999	Examiner K. E. Booker	Group Art Unit 2121		
Invention: COMPUTERIZED AESTHETIC JUDGMENT OF IMAGES					
<u>TO THE HON. COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	28 -	31 =	0 x	\$18.00	\$ 0.00
INDEP. CLAIMS	6 -	7 =	0 x	\$86.00	\$ 0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$ 0.00
<div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> No additional fee is required. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ A duplicate copy of this sheet is enclosed. <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input type="checkbox"/> A Credit Card Payment Form (PTO-2038) for payment for _____ in the amount of \$ _____ is attached.</div><div style="text-align: right;">Dated: May 12, 2004</div></div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div> _____ Craig S. Fischer Registration No. 42,535 LYON & HARR, L.L.P. 300 East Esplanade Drive Suite 800 Oxnard, CA 93036-1274 TEL: (805) 278-8855 FAX: (805) 278-8064</div><div style="text-align: right;">CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8 I hereby certify that this paper and every paper referred to therein as being enclosed is being facsimile transmitted to Mail Stop: AF, Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, TC2100 at (703) 872-9208. Date of Transmission: <u>May 12, 2004</u> By: Craig S. Fischer Signature: </div></div>					

P11LARGE/REV08

PTOL-413A (08-03)
Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 09/404,940 First Named Applicant: TOYAMA
Examiner: K.E. BOOKER Art Unit: 2121 Status of Application: Pending

Tentative Participants:

(1) Examiner K. E. Booker (2) Craig Fischer
(3) _____ (4) _____

Proposed Date of Interview: 05/19/04 Proposed Time: 1 PM (EST)

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>103(a) Rejection</u>	<u>Claims 1, 4-29 & 31</u>	<u>Jagielski & Yasuda et al.</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Arguments to be Presented: (Please see attached 116 Amendment)

An interview was conducted on the above-identified application on _____.

NOTE:

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

(Applicant/Applicant's Representative Signature)
Craig S. Fischer - Reg. No. 42,535

(Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.